

**DRAFT**

**MINUTES**  
**UTAH STATE FIRE PREVENTION BOARD**  
**JULY 11, 2006**

**BOARD MEMBERS PRESENT**

R. Lee Ellertson	Board Chair
Ted Black	Board Vice Chair
A. Joel Frandsen	Board Member
Scott J. Spencer	Board Member
Tony J. Dearden	Board Member
Randal C. Haslam	Board Member
Robert D. Fazzio	Board Member

**BOARD MEMBERS ABSENT**

Robert B. Stoker	Board Member
Steven R. Hamblin	Board Member
Gregory L. Allen	Board Member

**STAFF PRESENT**

Ron L. Morris	State Fire Marshal
Brent R. Halladay	State Fire Marshal's Office
Joan Reed	State Fire Marshal's Office
Troy Mills	State Fire Marshal's Office
Michael Riley	State Fire Marshal's Office
Mark Burton	State Fire Marshal's Office
Deanne Mousley	State Fire Marshal's Office
Cheryl Luke	Assistant Attorney General

Board meeting began at 8:35 AM with Chair Lee Ellertson conducting.

Item #1 on the agenda was Board meeting called to order and welcome to all by Board Chair Lee Ellertson. Chairman Ellertson called the Board meeting to order and welcomed everyone to the meeting and excused Steve Hamblin and Robert Stoker, as they had other commitments.

Item #2 on the agenda was the approval of the May 9, 2006 Board meeting minutes. Chairman Ellertson entertained a motion for the approval of the minutes. Joel Frandsen made the motion that they be approved with the two minor corrections, Robert Fazzio seconded it and all Board members voted in favor.

Item #3 on the agenda was presentation to the Board by Chief Deputy Brent Halladay with regard to R710-2, Rules Pursuant to the Utah Fireworks Act, seeking adoption of NFPA 1123 and NFPA 1126, 2006 editions. Chief Deputy Halladay distributed copies of R710-2 to the Board members and stated in the part 1.2 it is proposed that we take the National Fire Protection's Standard 1123, code for Fireworks Displays and update it to the 2006 edition. In 1.3 of the rule, the National Fire Protection Association's standard 1126 is for The Use of Pyrotechnics Before a Proximate Audience, and this also is proposed to go to the 2006 edition. Brent stated that he sent a memorandum out to every licensed pyrotechnic operator we have in the State of Utah and asked for their input regarding the proposed changes. Brent only heard from one person, Dave Johnson, who had spoken at the last Fire Prevention Board meeting regarding these changes, and he was in favor of them, especially since there had been three fireworks accidents this year. Brent asked Chairman Ellertson for a motion on this proposed rule change and Joel Frandsen made a motion to adopt the new change for rule R710-2 and Robert Fazzio seconded it and all Board members voted in favor.

Item #4 on the agenda was presentation to the Board by Chief Deputy Brent Halladay of newly proposed Administrative Rule, R710-11, Fire Alarm System Inspecting and Testing, Draft #2, and the meetings with the fire alarm industry. Chief Deputy Halladay distributed copies of House Bill 266, the Fire Alarm System Certification requirements by Representative Joseph G. Murray in the last Legislative session. The Fire Marshal's Office will now be regulating the Fire Alarm System Inspecting and Testing and Fire Protection Engineer Deanne Mousley will be overseeing this program. Brent stated that Draft #1 was put together and then had a good productive meeting with the Fire Alarm people. There have been a number of changes since then, and there is now a Draft #2. Brent said that there are still changes happening and there will probably be a Draft #3, and hopefully this will be the final draft. Brent went over the changes that the Fire Alarm people have suggested, which included three certifications for the Basic Fire Alarm. The National Fire Protection Association Standard 72 will be the material used. There will be three technician levels, the Basic Fire Alarm Technician, the Fire Alarm Technician and the Master Fire Alarm Technician. Also, the state will be setting up a testing system, since Nicet (National Institute for Certification in Engineering Technologies) requires a large fee for their testing. There was further discussion among the Board members regarding the low fee that the state charges, and Brent explained that in the future fees hopefully may be raised in the future.

Item #5 on the agenda was presentation to the Board by Chief Deputy Brent Halladay of the addition of a Hazardous Materials Advisory Council to R710-10, and seeking direction from the Board on the role of Haz Mat in the State of Utah. Chief Deputy Halladay distributed copies of the Fire Marshal organization chart, and part of the rule R710-10 which is Rule Pursuant to Class Service Training, Education and Certification for the Board members. Brent stated that he was seeking input and direction from the Board and also explained how the Fire Prevention Board is statutorily set by the Legislature to oversee firefighter training. State Fire Marshal Morris is the Executive

Director of fire service education and assists this Board in watching over the fine program we have going at Utah Valley State College at the Fire & Rescue Academy. During the last year there have been some changes. The Hazardous Materials Institute has been removed from the Division of Homeland Security and placed under the direction of the Fire Marshal's Office. In the past, there have been considerable problems for a number of years between the Hazardous Material people and the people at the Utah Fire & Rescue Academy with regard as how Hazardous Materials are taught and certified. Those problems do not occur so much today, but there are still a few concerns that need to be resolved. The Hazardous Materials people teach all different types of people with regard to the OSHA requirement, and OSHA requires that for your type of business, facility, state government such as DOT, that there be an adequate and reasonable training that go forth and basically the Director sets that standard. There have been some meetings to find out how would be the best way to set this system up to where it might possibly work under the direction of the Fire Prevention Board and we are asking the Board to look at adding a Hazardous Materials Advisory Council. This would be like the Fire Service Standards & Training Council, that would be a sub-committee to the Board and provide some insight for possible direction on firefighter training and other hazardous materials training under the direction of the Fire Marshal's Office and the Utah Fire & Rescue Academy. We are proposing the Hazardous Materials Advisory Council's members would be the following: a representative from the career fire service, a representative from the volunteer fire service, a representative from the Department of Environmental Quality, a representative from the Department of Transportation, a representative from law enforcement, a representative from the Fire & Rescue Academy, a representative from the Hazardous Materials Institute, a representative from the National Guard, a representative from the local Emergency Planning Commission and a representative from the private industry. For the Board's information, some of the people who attended the previous meetings were Mr. Matt Morrison from the Unified Fire Authority, Neil Taylor from the Department of Environmental Quality, Dr. Helen Sadik-McDonald from the Department of Transportation, Sgt. Harry Shinton from law enforcement, two Master Sergeants from the National Guard, from the 85<sup>th</sup> Civil Support Team, representatives from the Utah Fire Academy, representatives from Hazardous Materials and a gentleman from Micron representing private industry. Brent stated that they did not pre-empt the Board but wanted to see how this would work initially, and it seems to have promise in being able to solve this long going problem. Vice Chair Ted Black was concerned if all of the people could work together regarding solving the problems. Director Jeff Maxfield stated that he agreed, there have been some problems and they are seeking to resolve them and feels this is a step in the right direction and he is in support of this committee. Chairman Ellertson asked Director Maxfield if the makeup of the Board was agreeable with him and he said yes. Bruce Shoemaker who is a Hazardous Materials Technician from South Salt Lake commented that previously they had operated under two sets of rules. It depended on where a person received their training and certification, and if this could be solved at this level it would be very good. There was further discussion among the Board members. Randy Haslam made a motion that the Board let the Fire Marshal's

Office proceed with putting the committee together in an organized manner and make it come together in the best way to serve everyone and then come back to the Board with the final recommendation, Joel Frandsen seconded it and all Board members voted in favor.

Item #6 on the agenda was presentation to the Board by Park City Fire Marshal Scott Adams & Chief Deputy Brent Halladay with regard to House Bill 116, Local Fire Officials Authority, and the need for a statewide analysis form of fire hazards in areas that do not have sufficient water or access. Chief Deputy Halladay distributed copies of House Bill 116 and stated that at the last Legislative Session, which was previously brought before the Board, Representative Urr felt there was an invasion with his privacy to install a sprinkler system when it was decided that extra protection was needed on his property to not burn the entire mountainside down. Representative Urr started this House Bill 116, and Fire Marshal Adams and I visited with him after the meeting and stated we would like the opportunity to work this through the fire service to see if there needed to be some statewide applicability for this problem of lack of water which has been going on in a number of different counties. Representative Urr said this was fine, but he felt that the State Fire Marshal then was going to stop everything that was going on across the State of Utah, which he cannot do. Later on in the session Representative Urr felt he was not fairly dealt with and he filed the first substitute of House Bill 116 that basically added on a section to our statute 53.7.106 which Brent read to the Board. Park City Fire Marshal Scott Adams stated they had invited Representative Urr to come to the last meeting and he was going to try to meet with them, so they met their obligation and Brent offered him the invitation to come to the Board and solve his concerns. He was invited a couple of times but has not made it yet and Scott will keep trying to pursue it. Scott stated that it had always been a discussion as part of the Fire Marshal's Code Committee and there is an interesting thing that was found out through some of the research of Mark Burton from the Fire Marshal's Office is that a fire flow requirement is required that there is enough water quality too and a flow rate was set up. There was further discussion among the Board members regarding this matter. Vice Chair Ted Black made a recommendation that this item be put on hold and no further action be taken until such time the Board directs Chief Deputy Halladay and Fire Marshal Adams to do otherwise if another problem does come up. Rand Andrus from Eagle Mountain Fire commented that he was concerned this was still going to be ongoing and not solved. Rand also stated that there are a lot of other mountainsides that are in danger of burning, and when the hydrants are not there and without the water it cannot be done well. Vice Chair Ted Black stated that since Representative Urr is retiring, he does not know if anyone else will be picking this Bill up and until someone files a Bill and brings this up we don't know where the fight is.

Item #7 on the agenda was Old Business and New Business. There was no Old Business at this time. Under New Business, Randy Haslam wanted to share his feelings regarding to water purveyors and sprinkling systems, etc. and we are designing buildings to PSI and the cities are just turning the water off. We go into the buildings and find pressures that are considerably lower than what our systems are designed for. He does not know what can be done, but the code says a sprinkling system will be put in but that sprinkling system is

worthless if the water purveyors are turning down the pressure and the officials do not know. Randy Haslam from West Jordan also stated that they were trying to get a tap onto the Salt Lake City line and the State Fire Marshal sent a letter on flows, etc. and they said “to go talk to Salt Lake City Water, they have no business touching our fire hydrants and we will fine them”. Brent stated that the answer to this is, there are many water companies throughout the State of Utah and it does cause problems. Park City Fire Marshal Adams has ten water companies just in his area and the only way to regulate that kind of behavior would be to place it under the State Water Engineer and have legislation passed that would require that they have to do certain things that would come from the Fire Prevention Board as direction to do that if the Board wishes. It does cause problems when the water companies put in pressure regulating valves after systems have been put in and now the system is running off of 60% of what it once had or what was designed to work correctly. This has turned out to be a bigger problem than the hazard materials problem, by at least five times. Board member Joel Frandsen stated that maybe we ought to get Gephardt involved and it might stop this sort of thing.

Fire Marshal Ron Morris presented a plaque to Chair Lee Ellertson who will be retiring the end of July, and thanked him for his expertise and guidance to the Fire Prevention Board for the last ten years. Chairman Ellertson now introduced the new Commissioner of the Labor Commission, Sherrie Hayashi. Chairman Ellertson now opened the floor for nominations for the election of a new Chairman. Scott Spencer made the motion to nominate Ted Black as Chairman and Tony Dearden seconded it. All Board members voted in favor. Joel Frandsen made a motion to nominate Robert Fazzio as Vice Chair and Randy Haslam seconded it. All Board members voted in favor.

Item #8 on the agenda was next Board meeting – September 12, 2006 at South Salt Lake City Council Chambers. Chairman Ellertson moved to adjourn the meeting.